

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /XX

Being a by-law to amend By-law 1396/12, a by-law relating to the regulating, licensing, restraining, governing and care of dogs, cats and other categories of animals

WHEREAS Section 10 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (Act) authorizes a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws respecting: the economic, social and environmental well-being of the municipality; the protection of persons and property; and animals;

WHEREAS Section 8(30) of the Act provides that a by-law under Section 10 of the Act respecting a matter may regulate or prohibit, and may require a person to do things respecting the matter;

AND WHEREAS it is deemed expedient to amend By-law 1396/13 in order to permit the keeping of an additional dog for compassionate reasons;

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

1. **THAT** PART X – Number of Animals (Residential Area) Section 68 a) be deleted and the following is inserted :
 68. a) keep a fourth (4th) dog on any one (1) premise where:
 - i. such dog is part of a Foster Program or Service Animal operated by or registered with the O.S.P.C.A. or Humane Society, or
 - ii. where the Manager of Building and Municipal Enforcement Services grants an exemption allowing a person to keep four (4) dogs.
2. **THAT** PART X – Number of Animals (Residential area) Section 68 be amended by adding Subsections 68.1 to 68.5 as follows:
 - 68.1 Notwithstanding Section 68 a) the Manager of Building and Municipal Enforcement Services may grant an exemption allowing a person to keep four (4) dogs in any one (1) premise for compassionate reasons, only when:
 - a) The fourth (4th) dog has been acquired as a result of a family death or illness;
 - b) There is a joint occupancy where occupants had their own pets prior to deciding to live together; or

- c) In the opinion of the Manager of Building and Municipal Enforcement Services, there are other compassionate reasons conducive to responsible dog ownership,

provided the Manager believes the dogs will be kept in accordance with other provisions of this By-law and will not cause a nuisance to neighbours or other residents.

68.2 In order to provide an exemption referred to in section 68.1, there must be a legitimate fact giving the person a moral or ethical responsibility regarding an additional dog, and the exemption shall not be granted because a person wishes to own more than three (3) dogs or is able to provide a suitable home to a dog in need.

68.3 In making the decision to grant an exemption set-out in Section 68.1, the Manager of Building and Municipal Enforcement Services may consider all reasonable factors, including:

- a) previous conviction or founded complaints under this or a previous County By-law respecting dogs;
- b) previous convictions under other municipalities' by-laws or provincial legislation respecting dogs;
- c) the size and breed of the dogs;
- d) reasonable concerns of neighbours in the area; and
- e) the suitability of the premises.

68.4 Any exemption granted pursuant to Section 68.1 will be of limited duration until one (1) of the four (4) dogs dies or is no longer owned by the person(s) holding the exemption. Any exemption is subject to revocation by the Manager of Building and Enforcement Services at any time due to concerns related to any of the factors outlined in Section 68.3.

68.5 Prior to allowing a fourth (4th) dog on a premise or a decision revoking a previously granted exemption allowing a fourth (4th) dog for compassionate reasons,

- a) The Applicant shall provide notice to adjoining property owners that an application for the keeping of a fourth (4th) dog, has been applied for, and the notice shall include:

- i. information regarding the numbers and types of dogs to be kept, and
 - ii. information that the Application may be objected to by sending an objection, in writing, to the Manager of Building and Municipal Enforcement Services within 20 days of delivery of the notice.
 - b) Notice under this section shall be deemed to be delivered:
 - i. in the case of mailed documents, five (5) days following the mailing as determined by the postmark;
 - ii. in the case of personal delivery, email or faxed document, the day of delivery;
 - iii. where more than one method of delivery is used, the operative receipt date is the latest of the possible receipt dates.
 - c) The applicant shall provide the Manager of Building and Municipal Enforcement Services with proof of delivery of the notice to the adjoining property owners in the form of a copy of the notice and affidavit that the notice has been delivered.
 - d) Proof of ownership dates can be provided by way of registration through the municipality or registered microchip.
- 3. **THAT** PART X – Number of Animals (All other areas) Section 73 be deleted and the following is inserted :

73. Notwithstanding Section 69; any owner may:

 - a) keep a sixth (6th) dog on any one premise where:
 - i. such dog is part of a Foster Program or Service Animal operated by or registered with the O.S.P.C.A. or Humane Society, or
 - ii. where the Manager of Building and Municipal Enforcement Services grants an exemption allow a person to keep six (6) dogs.
- 4. **THAT** PART X – Number of Animals (All other Areas) Section 73 be amended by adding the Subsections 73.1 to 73.5:

73.1 Notwithstanding Section 73 a) the Manager of Building and Municipal Enforcement Services may grant an exemption allowing a person to keep six (6) dogs in any one (1) premise for compassionate reasons, only when:

- a) The sixth (6th) dog has been acquired as a result of a family death or illness;
- b) There is a joint occupancy where occupants had their own pets prior to deciding to live together; or
- c) In the opinion of the Manager of Building and Municipal Enforcement Services, there are other compassionate reasons conducive to responsible dog ownership,

provided the Manager of Building and Municipal Enforcement Services believes the dogs will be kept in accordance with other provisions of this By-law and will not cause a nuisance to neighbours or other residents.

73.2 In order to provide an exemption referred to in section 73.1, there must be a legitimate fact giving the person a moral or ethical responsibility regarding an additional dog, and the exemption shall not be granted because a person wishes to own more than five (5) dogs or is able to provide a suitable home to a dog in need.

73.3 In making the decision to grant an exemption set-out in Section 73.1 , the Manager of Building and Municipal Enforcement Services may consider all reasonable factors, including:

- a) previous conviction or founded complaints under this or a previous County By-law respecting dogs;
- b) previous convictions under other municipalities' by-laws or provincial legislation respecting dogs;
- c) the size and breed of the dogs;
- d) reasonable concerns of neighbours in the area; and
- e) the suitability of the premises.

73.4 Any exemption granted pursuant to Section 73.1 will be of limited duration until one (1) of the six (6) dogs dies or is no longer owned by the person(s) holding the exemption. Any exemption is subject to revocation by the Manager of Building and Municipal Enforcement Services at any time due to concerns related to any of the factors outlined in Section 73.3.

73.5 Prior to allowing a sixth (6th) dog on any one (1) premise or a decision revoking a previously granted exemption allowing a sixth (6th) dog for compassionate reasons,

- a) The Applicant shall provide notice to adjoining property owners that an application for the keeping of a sixth (6th) dog, has been applied for, and the notice shall include:
 - i. information regarding the numbers and types of dogs to be kept, and
 - ii. information that the Application may be objected to by sending an objection, in writing, to the Manager of Building and Municipal Enforcement Services within 20 days of delivery of the notice.
- b) Notice under this section shall be deemed to be delivered:
 - i. in the case of mailed documents, five (5) days following the mailing as determined by the postmark;
 - ii. in the case of personal delivery, email or faxed document, the day of delivery;
 - iii. where more than one method of delivery is used, the operative receipt date is the latest of the possible receipt dates.
- c) The applicant shall provide the Manager of Building and Municipal Enforcement Services with proof of delivery of the notice to the adjoining property owners in the form of a copy of the notice and affidavit that the notice has been delivered.
- d) Proof of ownership dates can be provided by way of registration through the municipality or registered microchip.

5. **AND THAT** this by-law takes force and effect on the date of passing.

ENACTED this 6th day of May, 2024.

MAYOR

CLERK